

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- v. -

S1 16 Cr. 747 (AKH)

ZIMMIAN TABB,

Defendant.
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REPLY DECLARATION OF ZIMMIAN TABB

Zimmian Tabb hereby declares under the penalty of perjury, pursuant to 28 U.S.C. § 1746, that the following is true and correct:

1. I am the defendant in this case and I respectfully make this reply declaration in further support of my pretrial motions.

2. On August 13, 2016, when I was stopped by the police, I had a valid New York State learner's permit, a copy of which is attached as Exhibit L to the declaration of my attorney ("Learner's Permit"). I had this Learner's Permit with me at the time of the stop and I showed the Learner's Permit to at least one of the police officers at the time of the initial stop and prior to my arrest later that day. This Learner's Permit was returned to me by the police after they looked at it and before I was processed in central booking.

3. I believe that the other person in the vehicle with me at the time of the August 13, 2016 stop, Nydrique Jones, had a valid New York State driver's license.

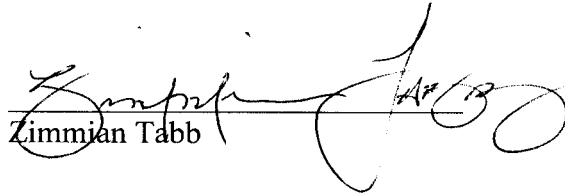
4. On August 13, 2016, when I was stopped by the police, I was unaware that I had any outstanding warrants issued against me including any warrant arising from a 2005

summons for drinking alcohol from an open container and no person or entity ever informed me that any such warrant existed for this summons until I learned of this allegation in connection with this federal case being commenced against me in September 2016.

5. In addition, I have never appeared in Court on or about August 31, 2016, or any other date, with regard to allegedly receiving an adjournment in contemplation of dismissal (“ACD”) in connection with the 2005 summons.

6. On the day of the Vehicle stop and my arrest, August 13, 2016, I was wearing long pants, not shorts, and a black short sleeved shirt.

Dated: New York, New York
March 30, 2017


Zimmian Tabb